IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 835 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PUSHPABEN J RAVAL

Versus

STATE OF GUJARAT

Appearance:

MR RR TRIVEDI for Petitioner

MR LR POOJARI, APP. for Respondent No. 1

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 07/04/2000

ORAL JUDGEMENT

#. This petition under Article 227 of the Constitution is directed against the charge framed by the learned JMFC, Muli in Criminal Case No. 79 of 1987. One Rasiklal Balashankar Upadhyay filed complaint in the

Court against the petitioner alleging that she had committed offence punishable under section 420 in connection with one tour to Haradwar which had been organised by the petitioner The complaint was sent to the police for investigation under section 156(3) of the Code of Criminal Procedure. The police after completing the investigation submitted chargesheet under section 420 against the petitioner. The learned Magistrate proceeded to frame charge under section 420 against the petitioner. The present petition is filed against the said charge which was framed on 26.10.1990.

#. Ordinarily a Revision Application would be filed against the an order of the Criminal Court framing charge. But the petitioner has filed this Special Criminal Application under the advice that the order framing the charge being an interlocutory order, Revision Application would not be maintainable. It appears that no submission was made before the learned Magistrate that the charge against the petitioner was groundless and hence she should be discharged. If any such submission had been made, the learned Magistrate would have considered and dealt with it. The learned Magistrate was obviously satisfied that there was ground for presuming that the petitioner had committed offence as charged and hence proceeded to frame the charge against the petitioner. There is no reason to interfere in exercise of jurisdiction under Article 227 of the Constitution. The petition is therefore dismissed. Rule discharged. Interim relief stands vacated.

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m.m.bhatt